REMARKS

Currently pending claims 10-42 are for consideration by the Examiner. Claims 36-42 are new. Claims 23-24 are amended herein.

The Examiner rejected claims 10-19, 22, 23, 25, 27, 29, 31, 33 and 35 under 35 U.S.C. 103(a) as being unpatentable over Nishida et al. (U.S. Patent 5,384,678) in view of Yonemitsu et al. (U.S. Patent 5,592,450).

The Examiner objected to claims 20, 21, 24, 26, 28, 30, 32 and 34 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge the Examiner's indication of allowable subject matter.

35 U.S.C. 103(a)

The Examiner rejected claims 10-19, 22, 23, 25, 27, 29, 31, 33 and 35 under 35 U.S.C. 103(a) as being unpatentable over Nishida et al. (U.S. Patent 5,384,678) in view of Yonemitsu et al. (U.S. Patent 5,592,450).

Applicants respectfully contend that claim 10 is not unpatentable over Nishida et al. in view of Yonemitsu et al., because Nishida et al. in view of Yonemitsu et al. does not teach or suggest each and every feature of claim 10. For example, Nishida et al. in view of Yonemitsu et al. does not teach or suggest:

> "providing at least two mutually logically conforming sub-TOCs for the same track area in one or more track areas of a unitary storage medium, each sub-TOC having structures for storing information for determining the configuration of the same information items

stored in the track area, thereby allowing retrieving the configuration of the same information item in the track area from at least any correct copy of the sub-TOCs".

The Examiner admits that

"Nishida does not teach the following:

(a) as in claim 10, providing an additional mutually logically conforming sub-TOC for the same track area in one or more track areas of a unitary storage medium;

(b) as in claim 10, the additional sub-TOC having structures for storing information for determining the configuration of the same information items stored in the track area, thereby allowing retrieving the configuration of the same information item in the track area from at least any correct copy of the sub-TOCs".

The Examiner alleges, however, that Yonemitsu teaches the preceding items (a) and (b) not taught by Nishida. The Examiner argues that

"Refer to the feature not taught by Nishida in claim 10,...: There is an advantage of duplicating a TOC file in the event the original TOC file cannot be read. For example, Yonemitsu's file structure has a copy of the TOC file as redundant TOC information. Hence, it would have been obvious to one of ordinary skill in the art at the time of invention to make an additional TOC file such as Nishida's chapter 2 TOC file within the chapter similar to Yonemitsu's, because the extra TOC information in the same chapter/track area can protect the TOC file when any part of it cannot be read properly. And since the Chapter 2 TOC file of Nishida's is a sub-TOC file, its copy is also a sub-TOC file as in Applicant's claim 10."

Applicants respectfully traverse the Examiner's argument for combining Yonemitsu with Nishida. Yonemitsu provides the following reason in col. 11, line 66 - col. 12, line 4 for providing a copy of the TOC: "some computer applications do not easily recognize data recorded in sectors having negative addresses (such as sectors -32 to -1 of the TOC information recorded in the lead-in area". However, Nishida does not teach storing a sub-TOC in sectors having negative addresses. Thus, a person of ordinary skill in the art would have no motivation to incorporate the duplicate TOCs of Yonemitsu into Nishida's invention, because the situation that motivates Yonemitsu to use duplicate TOCs does not exist in Nishida.

The Examiner does not supply a reference to support the Examiner's stated reason for combining Yonemitsu with Nishida (i.e., protection against unreadable TOC data). Due to the Examiner's failure to fing a supporting reference, Applicants respectfully contend that the Examiner's stated reason for combining Yonemitsu with Nishida is based on the Examiner's hindsight reconstruction derived from Applicants' patent application on page 8, lines 23-29.

Moreover, the TOC in Yonemitsu is not a sub-TOC and therefore does not satisfy the limitation of claim 10 which is specific to sub-TOCs. The "at least two mutually logically conforming sub-TOCs" relate specifically to sub-TOCs and not to any other type of TOC or to any other type of data. If the Examiner's basis for combining Yonemitsu with Nishida is taken to its logical limit, the Examiner is effectively suggesting duplicating not only the sub-TOCS in Nishida but also the master-TOC and also all of the data pointed to by the various TOCs, since the Examiner has not provided a basis for protecting only the sub-TOC data and not the other data. In other words, the Examiner's argument would require duplication of all of the data on the storage medium in order to protect against any unreadable data on the storage medium, since the

Examiner cannot find a basis from Yonemitsu to treat the sub-TOC data differently from any other data. Duplication of all of the data would be extremely wasteful. To repeat, the TOC in Yonemitsu is not a sub-TOC and therefore the Examiner has no basis to distinguish a sub-TOC in Nishida from any other TOC or any other data, insofar as data protectability is concerned.

Based on the preceding arguments, Applicants respectfully maintain that claim 10 is not unpatentable over Nishida et al. in view of Yonemitsu et al., and that claim 10 is in condition for allowance. Since claims 11-21 depend from claim 10, Applicants contend that claims 11-21 are likewise in condition for allowance.

The Examiner alleges that independent claims 22, 25, 27, 29, 31, 33, and 35 "are drawn to the apparatus corresponding to the method of using the same as claimed in claims 10, 11 and 13". Therefore, based on the arguments presented *supra* in relation to independent claim 10, Applicants respectfully maintain that claims 22, 25, 27, 29, 31, 33, and 35 are not unpatentable over Nishida et al. in view of Yonemitsu et al., and that claims 22, 25, 27, 29, 31, 33, and 35 are in condition for allowance. Since claims 23-24 depend from claim 22, Applicants contend that claims 23-24 are likewise in condition for allowance. Since claim 26 depends from claim 25, Applicants contend that claim 26 is likewise in condition for allowance. Since claim 28 depends from claim 27, Applicants contend that claim 28 is likewise in condition for allowance. Since claim 30 depends from claim 29, Applicants contend that claim 30 is likewise in condition for allowance. Since claim 32 depends from claim 31, Applicants contend that claim 32 is likewise in condition for allowance. Since claim 34 depends from claim 33, Applicants contend that claim 34 is likewise in condition for allowance.

CONCLUSION

In summary, based on the preceding arguments, Applicants respectfully believe that claims 10-12 meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invite the Examiner to contact Applicants' representative at the telephone number listed below. The Honorable Commissioner is hereby authorized to charge Deposit Account 19-0513 for the addition of seven (7) extra dependent claims for an amount of $126.00. If any additional fees are due, please charge Deposit Account 19-0513.

Date: 03/31/2003

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Appendix A. Amended Claims

Please amend claims 23-24 as follows:

23. (Amended) The medium of claim [21 in which] 22, wherein the medium is an optically readable disc.

24. (Amended) The medium of claim [21] 22, wherein:

information items are stored in the track areas; the information for determining the configuration of each information item in the track area is stored in each sub-TOC; and the information for determining the position of the at least two mutually logically conforming sub-TOCs is stored in the master-TOC;

the information items include audio information;

the information is recorded using a method selected from one or more of: pressing consumer discs from a master disc; using an optical write head;

two sub-TOCs assigned to a track area are positioned at opposite ends of the track area;

a sub-TOC assigned to a track area positioned at one end of the track area is separated from the one end of the track area by a gap;

the number of sub-TOCs assigned to a track area is exactly 2;

the master-TOC is positioned at a predetermined offset location with respect to an initial location on the medium;

the mutually logically conforming sub-TOCs contain information selected from: identical information; and equivalent bitwise inverted information;

the storage medium also includes a file structure, and the information items may be

accessed using either the TOC structure or the file structure;

the file system for audio information conforms to a standard selected from: UDF; and ISO 9660;

the file structure includes a root directory that points to the master-TOC and to sub-directories;

the sub-directories include a sub-directory containing stereo audio information and a sub-directory containing audio information having three or more channels; and

the storage of the audio information is selected from one or more of: a lossless compression format; and a lossy compression format.